



Criminal Justice Act 1991

1991 CHAPTER 53

PART I

POWERS OF COURTS TO DEAL WITH OFFENDERS

Financial penalties: supplemental

24 Recovery of fines etc. by deductions from income support.

- (1) The Secretary of State may by regulations provide that where a fine has been imposed on an offender by a magistrates' court, or a sum is required to be paid by a compensation order which has been made against an offender by such a court, and (in either case) the offender is entitled to income support—
- (a) the court may apply to the Secretary of State asking him to deduct sums from any amounts payable to the offender by way of income support, in order to secure the payment of any sum which is or forms part of the fine or compensation; and
 - (b) the Secretary of State may deduct sums from any such amounts and pay them to the court towards satisfaction of any such sum.
- (2) The regulations may include—
- (a) provision that, before making an application, the court shall make an enquiry as to the offender's means;
 - (b) provision allowing or requiring adjudication as regards an application, and provision as to appeals and reviews;
 - (c) provision as to the circumstances and manner in which and the times at which sums are to be deducted and paid;
 - (d) provision as to the calculation of such sums (which may include provision to secure that amounts payable to the offender by way of income support do not fall below prescribed figures);
 - (e) provision as to the circumstances in which the Secretary of State is to cease making deductions;

Status: Point in time view as at 01/10/1992. This version of this provision has been superseded.

Changes to legislation: Criminal Justice Act 1991, Section 24 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (f) provision requiring the Secretary of State to notify the offender, in a prescribed manner and at any prescribed time, of the total amount of sums deducted up to the time of notification; and
 - (g) provision that, where the whole amount to which the application relates has been paid, the court shall give notice of that fact to the Secretary of State.
- (3) In subsection (1) above—
- (a) the reference to a fine having been imposed by a magistrates’ court includes a reference to a fine being treated, by virtue of section 32 of the 1973 Act, as having been so imposed; and
 - (b) the reference to a sum being required to be paid by a compensation order which has been made by a magistrates’ court includes a reference to a sum which is required to be paid by such an order being treated, by virtue of section 41 of the ^{M1}Administration of Justice Act 1970, as having been adjudged to be paid on conviction by such a court.
- (4) In this section—
- “fine” includes—
- (a) a penalty imposed under section 8(1) or 18(4) of the ^{M2}Vehicles (Excise) Act 1971 or section 102(3)(aa) of the ^{M3}Customs and Excise Management Act 1979 (penalties imposed for certain offences in relation to vehicle excise licences);
 - (b) an amount ordered to be paid, in addition to any penalty so imposed, under section 9, 18A or 26A of the said Act of 1971 (liability to additional duty);
 - (c) an amount ordered to be paid by way of costs which is, by virtue of section 41 of the ^{M4}Administration of Justice Act 1970, treated as having been adjudged to be paid on a conviction by a magistrates’ court;
- “income support” means income support within the meaning of the ^{M5}Social Security Act 1986, either alone or together with any unemployment, sickness or invalidity benefit, retirement pension or severe disablement allowance which is paid by means of the same instrument of payment;
- “prescribed” means prescribed by regulations made by the Secretary of State.
- (5) In the application of this section to Scotland—
- (a) references in subsections (1) and (2) above to a magistrates’ court shall be construed as references to a court; and
 - (b) in subsection (3) above, for paragraphs (a) and (b) there shall be substituted the following paragraphs—
 - “(a) the reference to a fine having been imposed by a court includes a reference to a fine being treated, by virtue of section 196(2) of the Criminal Procedure (Scotland) Act 1975, as having been so imposed; and
 - (b) the reference to a compensation order having been made by a court includes a reference to such an order being treated, by virtue of section 66 of the Criminal Justice (Scotland) Act 1980, as having been so made.”

Commencement Information

II S. 24 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

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Marginal Citations

M1 1970 c. 31.

M2 1971 c. 10.

M3 1979 c. 2.

M4 1970 c. 31.

M5 1986 c. 50.

Status:

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